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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RICHARD ZEITLIN, ADVANCED
TELEPHONY CONSULTANTS, MRZ
MANAGEMENT, LLC, DONOR
RELATIONS, LLC, TPFE, INC., AMERICAN
TECHNOLOGY SERVICES, COMPLIANCE
CONSULTANTS, CHROME BUILDERS
CONSTRUCTION, INC., UNIFIED DATA
SERVICES;

Plaintiffs,

v.
BANK OF AMERICA, N.A. and JOHN AND
JANE DOES 1-100,

Defendants.

Case No.: 2:18-cv-01919-RFB-DJA

**STIPULATION AND ORDER
EXTENDING DISCOVERY
DEADLINES
(FIFTH REQUEST)**

Plaintiffs Richard Zeitlin, Advanced Telephony Consultants, MRZ Management, LLC, Donor Relations, LLC, TPFE, Inc., American Technology Services, Compliance Consultants, Chrome Builders Construction, and Unified Data Services (“Plaintiffs”) and Defendant Bank of America, N.A. (“BANA” and together with Plaintiffs the “Parties” and each a “Party”), through their counsel of record, hereby respectfully request the Court enter an order, pursuant to Local Rules IA 6-1 and II ~~26-4~~²³⁻³, extending the discovery and related deadlines set forth in the Court’s

1 Order entered on May 23, 2019 (ECF No. 35), as amended by so-ordered stipulations of the
2 Parties on September 3, 2019, December 2, 2019, March 3, 2020, and June 16, 2020. (ECF Nos.
3 40, 45, 47, and 60) (collectively the “Scheduling Order”). The Parties propose extending the
4 deadlines for expert disclosures by 45 days and the deadlines for close of discovery and
5 dispositive motions by 90 days, as detailed in the proposed schedule below.

6 The deadlines in the Scheduling Order that the Parties are seeking to extend have not
7 expired. The next deadline in the Scheduling Order is the September 21, 2020 deadline for expert
8 disclosures. The current discovery close deadline is November 16, 2020, and dispositive motions
9 are due December 21, 2020.

10 **I. Discovery Completed**

11 The Parties have completed the following discovery:

- 12 1. All Parties have completed initial disclosures.
- 13 2. Plaintiffs have propounded requests for production of documents, requests for
admission, and interrogatories on BANA.
- 14 3. BANA initially responded to Plaintiffs’ written discovery with timely responses
and objections and made two productions of documents.
- 15 4. BANA propounded requests for production of documents, requests for admission,
and interrogatories on the Plaintiffs.
- 16 5. The Plaintiffs provided initial responses and objections to BANA’s written
discovery.
- 17 6. The Parties negotiated—and the Court entered—a stipulated protective order
governing the production of additional, confidential and sensitive documents.
- 18 7. Following entry of the stipulated protective order, all Parties supplemented their
documentary productions with additional documents.
- 19 8. Plaintiffs filed their Motion to Compel Discovery and For Attorney’s Fees (ECF
No. 48) on May 26, 2020 and their Motion to Unseal Court Documents (ECF No.
20 52) on June 4, 2020 (the “Discovery Motions”) The Court denied both Discovery
21 Motions in full by Order dated August 10, 2020 (ECF No. 77), and Plaintiffs filed
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1 an Objection to that Order on August 24, 2020 (ECF No. 78). BANA's deadline to
 2 respond to the Objection is September 22, 2020.

3 **II. Discovery to be Completed**

4 The Parties anticipate that the following discovery will need to be completed prior to any
 5 dispositive briefing or trial:

- 6 1. BANA may need to file a motion to compel, seeking the production of documents
 7 relevant to Plaintiffs' damages allegations.
- 8 2. Expert disclosures and rebuttal experts.
- 9 3. Depositions of Parties and their experts. Currently, there are eight Plaintiffs. The
 10 Parties anticipate conducting approximately 6-8 Party depositions, including
 11 30(b)(6) witnesses for Plaintiffs and BANA.
- 12 4. Depositions of non-party witnesses. The Parties anticipate conducting the
 13 depositions of several non-party witnesses.

14 **III. Good Cause for Extending Discovery and Dispositive Motion Deadlines**

15 This proposed extension is necessary in light of Plaintiffs' pending Objections to the
 16 Magistrate Judge's order denying Plaintiffs' motion to compel discovery, which objections are
 17 not yet fully briefed, much less adjudicated. Depositions cannot be prepared for or conducted
 18 prior to those issues being adjudicated, necessitating extending the deadlines for both the close of
 19 discovery and dispositive motions by the requested 90 days. Although the Parties disagree as to
 20 the precise bases for extending the expert report deadlines and the length of the extension, the
 21 Parties have compromised and stipulated to a 45-day expert reports extension, in order to avoid
 22 additional disputed motion practice.

23 The Parties agree that the foregoing constitutes good cause for the extensions requested
 24 herein. This is the Parties' fifth request to extend these deadlines. This request is not made for any
 25 deleterious purpose or to cause delay and is made timely and in good faith.

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1 **IV. Proposed Schedule**

<u>Event</u>	<u>Existing Deadline</u>	<u>Proposed Deadline</u>
Expert Disclosures	September 21, 2020	November 5, 2020
Rebuttal Expert Disclosures	October 21, 2020	December 7, 2020
Close of Discovery	November 16, 2020	February 15, 2021
Dispositive Motions	December 21, 2020	March 22, 2021
Pretrial Order	January 18, 2021 or 30 days after a decision on any dispositive motion.	April 19, 2021 or 30 days after a decision on any dispositive motion.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **STIPULATION AND ORDER EXTENDING DISCOVERY DEADLINES (FIFTH REQUEST)** with the Clerk of the Court for the U. S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: September 18, 2020.

/s/Lara J. Taylor
An Employee of Snell & Wilmer L.L.P.

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